

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH  
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTIETH DAY OF APRIL  
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE N.V. RAMANA**

**WRIT PETITION NO : 2088 of 1998**

Between:

M/s. Shree Jagannath Supply Co., Rep. by its Authorised Signatory-Jayaram  
Agarwal, S/o. Puranmal Agarwal, R/o Jatni, Orissa Jatni, Khudra District Orissa  
State,

**..... PETITIONER**

AND

- 1 The Commissioner of Prohibition & Excise  
Andhra Pradesh Hyderabad
- 2 Assistant Commissioner of Prohibition & Excise,  
Srikakulam, Srikakulam District.
- 3 Sub-Divisional Prohibition & Excise Officer,  
Srikakulam, Srikakulam District.
- 4 Amidalavalasa Co-op. Sugars Limited,  
Amidalavalasa, Srikakulam District.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction particularly one in the nature of Writ of Mandamus, declaring that the demand of Administrative Charges at the rate of Rs.25/- per Metric Tonne on Molasses purchased and transported within and outside the State of Andhra Pradesh and the insistence on taking on Escort with each tanker lorry transporting Molasses by the petitioner are illegal and without jurisdiction apart from being violative of Arts. 19 (1) (g) of the Constitution of India and pass

**Counsel for the Petitioner:MR.E.MARUTHI RAJA**

**Counsel for the Respondent No.: GP FOR PROHIBITION & EXCISE**

The Court made the following :

## **ORDER:**

It is represented by the learned counsel for the petitioner and admitted to by the learned Government Pleader for Prohibition and Excise that the subject matter in this writ petition is squarely covered by a Division Bench judgment of this Court dated 08-05-2001 in W.A.No.2209 of 1998 and batch, wherein it was held. –

“In view of what is stated above, while we uphold the argument that the State is not debarred from making any legislation with regard to the molasses, we hold that since no such legislation has been made by the State of A.P., regarding the subject of molasses, the impugned orders of the respondents are unconstitutional, illegal and nonest.

Accordingly, the Writ Appeals are dismissed and the Writ Petitions are allowed”.

2. Recording the above submission and following the ratio in the aforementioned judgment, this Writ Petition is also allowed. Office is directed to annex a copy of the judgment in W.A.No.2209 of 1998 and batch, dated 08-05-2001, to this order. No costs.

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**N.V. RAMANA, J**

**20-4-2005**

**tvk**

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Bilal Nazki, the Acting Chief Justice on this Wednesday the Twentieth day of April, Two thousand Five.

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

- 1 The Commissioner of Prohibition & Excise  
Andhra Pradesh Hyderabad
- 2 The Assistant Commissioner of Prohibition& Excise,  
Srikakulam, Srikakulam District.
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